

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RODNEY WILLIAMS
Claimant

APPEAL NO. 07A-UI-09778-H2T

**ADMINISTRATIVE LAW JUDGE
DECISION**

TEMP ASSOCIATES
Employer

**OC: 05-20-07 R: 04
Claimant: Appellant (5)**

Section 96.5-1 – Voluntary Leaving

STATEMENT OF THE CASE:

The claimant filed a timely appeal from the October 12, 2007, reference 06, decision that allowed benefits. After due notice was issued, a hearing was held on November 5, 2007. The claimant did participate. The employer did participate through Jan Windsor, Office Manager.

ISSUE:

Did the claimant voluntarily quit his employment without good cause attributable to the employer?

FINDINGS OF FACT:

Having reviewed the testimony and all of the evidence in the record, the administrative law judge finds:

On June 14, Jan Windsor spoke to the claimant over the telephone and offered him an assignment at CSI, full time, first shift as a drill press operator for \$8.00 per hour. The claimant accepted the offer and was told the position would start on June 18, 2007. The claimant never showed up for the assignment to begin working on June 18 and never contacted the employer again until October 8, 2007 when he called seeking additional assignments. On June 26, a representative from CSI called the employer and told them that the claimant had not shown up for the assignment. The claimant was a no-call/no-show for work for more than three days in violation of the employer's policy. Continued work was available for the claimant if he had shown up for work.

REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant voluntarily left his employment without good cause attributable to the employer.

Iowa Code § 96.5-1 provides:

An individual shall be disqualified for benefits:

1. Voluntary quitting. If the individual has left work voluntarily without good cause attributable to the individual's employer, if so found by the department.

871 IAC 24.25(4) provides:

Voluntary quit without good cause. In general, a voluntary quit means discontinuing the employment because the employee no longer desires to remain in the relationship of an employee with the employer from whom the employee has separated. The employer has the burden of proving that the claimant is disqualified for benefits pursuant to Iowa Code § 96.5. However, the claimant has the initial burden to produce evidence that the claimant is not disqualified for benefits in cases involving Iowa Code § 96.5, subsection (1), paragraphs "a" through "i," and subsection 10. The following reasons for a voluntary quit shall be presumed to be without good cause attributable to the employer:

(4) The claimant was absent for three days without giving notice to employer in violation of company rule.

The claimant has the burden of proving that the voluntary leaving was for good cause attributable to the employer. Iowa Code § 96.6(2). An individual who voluntarily leaves their employment must first give notice to the employer of the reasons for quitting in order to give the employer an opportunity to address or resolve the complaint. *Cobb v. Employment Appeal Bd.*, 506 N.W.2d 445 (Iowa 1993).

The administrative law judge is persuaded that the claimant was offered and accepted the position at CSI. The employer regularly and routinely makes notes of when offers are made to clients and whether the client accepts. The employer's notes indicate that the claimant accepted an offer of work at CSI but then voluntarily quit by failing to appear for the job or to call in and provide a reason for his absence. The employer gains nothing by indicating that a client has accepted an assignment if the client does not work at the assignment because the employer does not get paid. The administrative law judge is persuaded that the claimant accepted the assignment then quit by failing to show up for work for three days in violation of the employer's policy.

DECISION:

The October 12, 2007, reference 06, decision is modified. The claimant voluntarily left his full-time employment without good cause attributable to the employer. Benefits are withheld until such time as he has worked in and been paid wages for insured work equal to ten times his weekly benefit amount, provided he is otherwise eligible.

Teresa K. Hillary
Administrative Law Judge

Decision Dated and Mailed

tkh/css